

REMARKS

Claim Summary

Claims 6, 7, 9-24, 47-54, and 67-69 are pending in this patent application. Claims 73 and 74 were withdrawn by the Examiner. Claims 55-66, 70, and 71 were previously canceled. Claim 6 is amended. Applicants respectfully submit that no new matter has been added by way of the amendments, which were made to address typographical errors.

The Office Action stated that claims 73 and 74 were directed to an invention that is independent of distinct from the invention originally claimed because the claims are drawn to a subcombination of the combination originally presented. The Office Action stated that claims 73 and 74 were therefore withdrawn from prosecution under the auspices of original presentation.

The Office Action stated that claims 6, 7, 9-13, 15-19, 22-24, 47-54, and 67-69 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0027639 to Peterson et al. (hereinafter “Peterson”) in view of U.S. Patent Application Publication No. 2003/0003988 to Walker et al. (hereinafter “Walker”) and further in view of U.S. Patent No. 5,771,353 to Eggleston et al. (hereinafter “Eggleston”).

The Office Action stated that claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Peterson in view of Walker and Eggleston and further in view of U.S. Patent No. 6,345,297 to Grimm et al. (hereinafter “Grimm”).

The Office Action stated that claims 20 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Peterson in view of Walker and Eggleston and further in view of U.S. Patent No. 6,638,170 to Crumby (hereinafter “Crumby”).

Applicants respectfully traverse these rejections for at least the reasons discussed below.

Claims Withdrawn By Examiner Due to Restriction by Original Presentation

The Office Action stated that claims 73 and 74 were directed to an invention that is independent of distinct from the invention originally claimed because the claims are drawn to a subcombination of the combination originally presented. The Office Action stated that claims 73 and 74 were therefore withdrawn from prosecution under the auspices of original presentation.

Applicants respectfully traverse the withdrawal of these claims. Claim 6 recites a casino gaming system which includes a “casino gaming server configured to terminate [a]... communications connection with [a]... casino gaming machine if [a]... signal requesting that

one or more ... downloadable casino games be provided is not received by said ... casino gaming server within a predetermined wait period.” Claim 73 recites a casino gaming server with a communications interface, a memory, a downloadable casino game stored in the memory, and a controller configured to operate in accordance with the recitations of claim 6. Claim 74 recites a non-transitory machine-readable medium having program instructions stored thereon for controlling a casino gaming server to perform actions in accordance with the recitations of claim 6.

The Office Action states that “the claims are drawn to a subcombination of the combination originally presented, and would be a serious burden on the examiner if not restricted because the claims would require a different field of search. Applicants do not see how any more searching is required when claims 73 and 74 recite features or structures which are similar to features recited in the existing claims.

According to M.P.E.P. §806.05(c)(I):

Where a combination *as claimed* requires the details of a subcombination *as separately claimed*, there is usually no evidence that combination AB_{sp} is patentable without the details of B_{sp}. The inventions are not distinct and a requirement for restriction must not be made or maintained, even if the subcombination has separate utility. This situation can be diagrammed as combination AB_{sp} (“sp” is an abbreviation for “specific”), and subcombination B_{sp}. Thus the specific characteristics required by the subcombination claim B_{sp} are also required by the combination claim.

Applicants respectfully submit that claims 73 and 74 both recite features similar to features recited in claim 6, e.g., “terminate said communications connection with said casino gaming machine if said signal requesting that one or more of said downloadable casino games be provided is not received by said each casino gaming server within a predetermined wait period,” and that these similar features represent at least one basis for patentability over the cited references. Applicants respectfully submit that the Office Action presents no evidence that the combination represented by claim 6 is patentable without the details recited in claims 73 or 74. Applicants respectfully submit that, per M.P.E.P. §806.05(c)(I), the inventions within the scope of claim 6, 73, and 74 have not been shown to be distinct, and a restriction requirement is therefore improper.

Applicants therefore respectfully request the reinstatement of claims 73 and 74.

The Office Action stated that claims 6 and 47 were rejected under 35 U.S.C. §103(a) over Peterson in view of Walker and further in view of Eggleston. Applicants respectfully traverse these rejections for at least the reasons discussed below.

Claim 6, for example, recites:

A casino gaming system comprising:
a casino gaming network;
a plurality of casino gaming servers, each casino gaming server configured to provide one or more downloadable casino games to casino gaming machines via said casino gaming network; and
a casino gaming machine comprising a display unit, a value input device, and a controller, wherein said controller is configured to:
 establish a communications connection with each casino gaming servers in said plurality of casino gaming servers,
 receive data representing server information regarding each casino gaming server of said plurality of casino gaming servers, said data representing server information regarding one or more of said downloadable casino games which each casino gaming server is configured to provide,
 select a selected casino gaming server from said plurality of casino gaming servers;
 transmit a signal to said selected casino gaming server requesting that one or more of said downloadable casino games be provided by said selected casino gaming server to said casino gaming machine over said casino gaming network,
 download said one or more of said downloadable casino games from said selected casino gaming server via said casino gaming network,
 initiate execution of one or more of said one or more downloadable casino games after said one or more downloadable casino games are downloaded,
 generate a game display of said one or more of said one or more downloadable casino games on said display, and
 determine a value payout associated with an outcome of said one or more of said one or more downloadable casino games after receiving said one or more of said one or more downloadable casino games from said selected casino gaming server,
wherein each casino gaming server of said plurality of casino gaming servers is configured to terminate said communications connection with said casino gaming machine if said signal requesting that one or more of said downloadable casino games be provided is not received by said each casino gaming server within a predetermined wait period.

The Office Action admits that Peterson “does not disclose that each casino gaming server of said plurality of casino gaming servers is configured to terminate said communications connection with said casino gaming machine if said signal requesting that one or more of said downloadable casino games be provided is not received by said each casino gaming server within a

predetermined wait period,” but cites Eggleston as teaching such a feature in col. 6, lines 57-64. Walker is not cited as teaching such a feature.

The stated motivation for combining Eggleston with Peterson and Walker is that “it would have been obvious to one skilled in the art at the time the invention was made to integrate the well known method of programming a controller to determine a value payout, as taught in Walker and the timeout feature of Eggleston, into the gaming device of Peterson in order to yield the predictable result of enticing players to play a game by offering payouts based on an outcome of the gaming device and creating a more secure device, by doing so players would want to play the game more often, thereby also increasing revenues for the game owners.”

Applicants respectfully submit that the Office Action does not articulate a valid reason for combining Eggleston with Peterson and Walker. In particular, it is not clear how combining the features of Eggleston with the features of Peterson and Walker result in “creating a more secure device” which entices players to “want to play the game more often...[and] increas[e] revenues for the game owners.”

To begin with, there is no explanation about how such a feature creates “a more secure device.” Instead, it would seem that such a feature would result in an increase in the number of communications connections which are established as casino gaming machines which have lost their communications connections to the casino gaming server due to the wait period being exceeded attempt to re-establish their communications connections. An increase in the number of initial communications connections negotiations between casino gaming machines and casino gaming servers would seem to result in increased exposure of the security measures used to prevent unauthorized connections, and thus potentially decrease security.

Additionally, it would seem that a system which disconnects a casino gaming machine from a casino gaming server after a predetermined wait period is exceeded in which a signal requesting that one or more of said downloadable casino games be provided is not received would have the effect of making players less likely to want to play the games offered by the casino gaming machine. For example, if a player is trying to decide which casino game to play out of a selection of games offered by a plurality of casino gaming servers, and the connections to the casino gaming servers are lost due to the wait period being exceeded, this would result in the player not being able to download the casino game to the casino gaming machine, which

would frustrate the player. A frustrated player is less likely to want to continue to use the gaming machine which does not respond to his request, and is more likely to want to leave the casino and go to a different venue.

Finally, Eggleston does not actually teach “casino gaming servers ... configured to terminate ... [a] communications connection if said signal requesting that one or more of said downloadable casino games be provided is not received by said each casino gaming server within a predetermined wait period.”

Eggleston describes a virtual session manager which may be linked to a user device via a wireless communications connection. The Office Action cites claim 8 of Eggleston, as teaching the above-cited feature. Claim 8 of Eggleston, however, is directed at the subject matter described in col. 5, lines 6-23 of Eggleston, and the language of claim 8 should be interpreted consistent with the disclosure of col. 5, lines 6-23 of Eggleston. Col. 5, lines 6-23 of Eggleston states:

Further, it is an inefficient use of resources to continue querying a host or attempting to deliver data when the client is no longer receiving at its remote location (**occurring, e.g., when the client leaves a coverage area, or the user turns off its modem or processor**). Thus, a process for either maintaining the client in an active status, or removing the client from active status in response to an event, is also preferably included in the VSM. **One such process is to utilize timers at both client and VSM to determine when a virtual session is no longer active.** The timers are first set upon registration, and are subsequently reset after each data exchange (steps 327-336). If no data exchange occurs within a predetermined period of time, say 20 minutes, both client and VSM would remove the client qualification (**i.e., destroy the communication session object**) and, if desired, mark the client as being in an inactive status (steps 337-340). The VSM would also forward a logoff message to the host (step 341). (Emphases added).

It is important to note that Eggleston’s timers are used to determine when a communications connection *no longer exists*, e.g., due to a client wireless device leaving a wireless coverage area or due to the client device being powered down, *rather than when an existing communications connection should be terminated due to non-receipt of a signal requesting that one or more of said downloadable casino games be provided*. In order to determine if the communications connection no longer exists, Eggleston uses timers—if no communications are exchanged between the two devices within the predetermined period, Eggleston assumes that the communications connection no longer exists and that the software object, i.e., the

communication session object, which was used with the communications connection may safely be cleaned up.

Furthermore, the Eggleston termination behavior raised by the Office Action refers to actions that Eggleston takes to terminate a communications connection when no data at all is communicated across the communications connection, e.g., such as when a communications connection has already been lost. By contrast, the system of claim 6 is configured to allow for termination of a communication connection *even if signals other than a signal requesting that one or more of said downloadable casino games be provided are received.*

Applicants therefore respectfully submit that Eggleston does not teach the termination feature recited in claim 6, and respectfully request the withdrawal of the 35 U.S.C. §103(a) rejection of claim 6. Independent claim 47 recites features similar to those discussed above with respect to claim 6. Applicants respectfully submit that similar arguments may therefore be made against the rejections of claim 47. Thus, Applicants also respectfully request the withdrawal of the 35 U.S.C. § 103(a) rejection of claim 47.

Dependent Claims

The dependent claims include all of the elements of their respective independent claims, and Applicants therefore respectfully request the withdrawal of the 35 U.S.C. § 103(a) rejections of the dependent claims for at least the reasons presented above with respect to the independent claims.

Conclusion

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

The Commissioner is hereby authorized to charge any additional fees, including any extension fees, which may be required or credit any overpayment directly to the account of the undersigned, No. 504480 (Order No. IGT1P213/P000657-001).

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Respectfully submitted,
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